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Attorney for Defendants

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Local Counsel for Defendants

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF ALASKA

UNITED STATES OF AMERICA,	)	Case No. F04-0010 CR (RRB)
	)	
Plaintiff,	)	DEFENDANT RAYMOND F. WEGNER'S
	)	MOTION TO MODIFY CONDITIONS
vs.	)	OF SENTENCE
	)	
RAYMOND F. WEGNER and	)	
JULIE M. WEGNER,	)	
	)	
Defendants.	)	
	)	

Defendant Raymond F. Wegner, by and through counsel undersigned, hereby respectfully moves this Honorable Court pursuant to Rule 35(a), F.R.Crim.P., for an order modifying the conditions of his four months (i.e. 120 Days) Half-Way House sentence. AS GROUNDS THEREFOR, Defendant Raymond Wegner states:

1. On Friday, December 8, 2006, this Court sentenced Defendant Raymond Wegner

to serve, *inter alia*, four months (120 Days) in a Half-Way house and five years probation.

2. On Monday, December 11, 2006, your undersigned received a facsimile communication from Glenn Goetz, President of Alaska Truck & Gear, Mr. Wegner's employer, which states:

To Whom It May Concern:

Ray Wegner's job with Alaska Truck and Gear has varied throughout his tenure with our company. His main focus is outside sales. **Ray is required to travel to various businesses throughout Alaska to establish sales and maintenance contracts for Alaska Truck and Gear.**

Mr. Wegner drives a company vehicle, a 2006 GMC pickup, to make deliveries and to conduct sales calls. **He has never had a set schedule for visits, as he travels on an "as needed" basis. His sales calls include travel from Fairbanks, to Valez, Prudhoe Bay, Nenana, Healy, Delta Junction, Denali Park, Cantwell, and Anchorage. He also has regular visits to both Pogo and Fort Knox mines.** The position includes working in the office performing Internet research, purchasing equipment from businesses in the lower 48, and finalizing contracts and purchases for various equipment. **Many of his outside sales calls involve obtaining specifications and precise measurements needed to order in necessary heavy duty items such as tire chains for very large mine equipment.**

**To limit Ray's ability to travel would force us to seek a new, less experience outside sales person since this is what brings in the majority of our business.** He not only spec's out heavy duty parts, but truck sales and service as well. **He is our only sales person and had created a strong relationship with our customers. Ray's typical day starts at 7:00 am and he works anywhere from 8 to 11 hours a day. Depending on our customer needs, he also may work on an occasional Saturday.** He is paid on a salary basis.

If you have any questions or need additional information, please contact me at the number above [907-479-8020], or on my cell number at 378-9808

Sincerely,

Glenn Goetz, President  
Alaska Truck and Gear

See Alaska Truck and Gear letter attached hereto as Exhibit A.

3. Mr. Wegner respectfully submits that he would be able to maintain his job with Alaska Truck and Gear if this Honorable Court entered an order modifying the conditions of his Half-Way House sentence allowing him to serve his sentence on the weekends and, upon written statement by his employer, allowing him to work on the occasional Saturday when required by his employer.

4. Your undersigned has been authorized to state that the United States joins in this Motion.

WHEREFORE, Defendant Raymond Wegner respectfully prays for an Order granting his Motion to Modify Conditions of his Sentence to permit him to serve his 120 Days of Half-Way House confinement on weekends with leave to work on Saturdays when requested in writing by his employer.

RESPECTFULLY SUBMITTED this 13<sup>th</sup> day of December, 2006.

WILLIAM A. COHAN, P.C.

By: /s/ William A. Cohan

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Attorney for Defendants Raymond and Julie Wegner

**CERTIFICATE OF SERVICE**

I hereby certify that on this 13<sup>th</sup> day of December, 2006, I served a true and correct copy of the foregoing RAY WEGNER'S MOTION TO MODIFY CONDITIONS OF SENTENCE, upon the following via the CM/ECF system as follows:

NELSON COHEN, Esq.  
United States Attorney  
STEPHEN COOPER  
Assistant U.S. Attorney  
Federal Building & U.S. Courthouse  
101 12<sup>th</sup> Avenue, Box 2, Room 310  
Fairbanks, Alaska 99701

Marci D. Lundgren, USPO (*via Facsimile Transmission*)  
United States Probation Office  
101 - 12<sup>th</sup> Avenue, Room 322  
Fairbanks, Alaska 99701  
Facsimile: (907) 456-0293

Courtesy Copy via mail to :  
HONORABLE RALPH R. BEISTLINE  
United States District Judge  
for the District of Alaska  
FEDERAL BUILDING  
222 West 7<sup>th</sup> Avenue  
Anchorage, Alaska 99513

/s/ Alicia Cisneroz  
ALICIA CISNEROZ